

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: BAIR HUGGER FORCED AIR      MDL No.: 15-md-02666 (JNE/DTS)  
WARMING PRODUCT LIABILITY  
LITIGATION

This Document Relates To:

JEFFREY SULLIVAN,

Civil Action No.: 18-cv-02065

Plaintiff,

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**DECLARATION OF SAMANTHA RODRGIEUZ IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Samantha Rodriguez, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Jeffrey Sullivan, in the above-captioned matter.
2. I submit this declaration in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1828] filed on March 5, 2019.
3. Attached as Exhibit A is a true and correct copy email correspondence from Plaintiff sent to Counsel on March 12, 2019.
4. Mr. Sullivan contacted Kennedy Hodges, LLP in regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
5. Medical records and billing records pertaining to Mr. Sullivan's treatment were obtained by Kennedy Hodges through its third-party medical records retrieval company.

6. This case was filed on July 20, 2018 to comply with a possible statute of limitations deadline identified by counsel.
7. Efforts to complete the Plaintiff Fact Sheet (“PFS”) have been complicated by Plaintiff not returning the PFS to Counsel.
8. Plaintiff has informed Counsel that he is disabled, and he cannot easily get to the post office to return the PFS.
9. Counsel has been in close contact with Plaintiff over the last several weeks, and he informed Counsel that he recently experienced a fall and has suffered injuries.
10. Plaintiff has assured Counsel that he will FedEx the PFS promptly.
11. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet, we have thus far been unable to submit a Plaintiff Fact Sheet for this case.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

March 12, 2019

/s/Samantha Rodriguez  
Samantha Rodriguez